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APPLICATION/CONTROL NUMBER: 10/810,296

DATE: July 10, 2008

TO: Primary Examiner Michael Borin, Ph.D.

Art Unit: 1631,

Technical Center 1600 via the Central PTO Fax
Center,

FAX: (571)-273-8300

FROM: Xing F. Wang, Applicant/Inventor,

16 Palm ST., Worcester, MA 01604,

TEL: (774)-239-3884

FAX: (508)-831-0592

MESSAGE:

The enclosed documents are in response to the Office Communication of July 3, 2008 regarding the US patent application (Application Number: 10/810,296).

NUMBER OF PAGES: 13 (INCLUDING THIS PAGE)

Appl. No. 10/810,296
Dated July 10, 2008

Reply to Office communication of July 3, 2008

Appl. No. : 10/810,296 Confirmation No.: 1034
Applicant : Xing F. Wang
Filed : March 27, 2004
TC/A.U : 1631
Examiner : Jason M. Sims
Docket No. : XLH8FW

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July 10, 2008

Commissioner for Patents,
P.O. Box 1450,
Alexandria VA 22313-1450

Dear Primary Examiner Dr. Michael Borin,

Please find enclosed the documents (10 sheets), which is used to respond to the enclosed Office communication of 7/03/2008 regarding the disapproval of the amendment to the claims file on 4/17/2008 because the amendment does not comply with the requirement of 37 CFR 1.121(c) and contains improper claim text markings.

The disapproval of the amendment to the claims file on 4/17/2008 is incorrect because the applicant didn't file the amendment to the claims on 4/17/2008. Please consider to withdraw the incorrect disapproval.

Appl. No. 10/810,296
Dated July 10, 2008

Reply to Office communication of July 3, 2008

Since Australian national phase entry dated 8/23/2006, a grant of patent rights for this invention has been issued by Australian patent office on 3/14/2008.

Please consider the US patent application has been over 4 years since filed 3/27/2004 and based on the Office Action Summary of 2/27/2007, the prosecution on the merits is closed in this application on 2/20/2007 in accordance with the practice under *EX parte Quayle*, 1935 C.D. 11, 453 O.G.213. I appreciate it if a grant of patent rights is issued in this case soon.

Thank you for your consideration.

Sincerely,

Xingfu Wang

Xing F. Wang, Ph.D.
Applicant
TEL: (774) 239-3884
Fax: (508) 831-0592

Encl.:

A letter of 7/10/2008 (4 sheets)
Office communication on 7/3/2008 (3 sheets),
Available Document of Image File Wrapper (1 sheet),
Bibliographic Data (1 sheet),
Part B - Fee(S) Transmittal (1 sheet).

Appl. No. 10/810,296
Dated July 10, 2008

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July 10, 2008

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United States Patent and Trademark Office (USPTO),
P.O. Box 1450,
Alexandria VA 22313-1450

Dear Examiner Mr. Jason M. Sims,

This is in response to enclosed the Office communication of 7/03/2008 regarding the disapproval of the amendment to the claims file on 4/17/2008 because the amendment does not comply with the requirement of 37 CFR 1.121(c) and contains improper claim text markings.

The disapproval of the amendment to the claims file on 4/17/2008 is incorrect because the applicant didn't file the amendment to the claims on 4/17/2008, please consider to withdraw the incorrect disapproval.

Appl. No. 10/810,296
Dated July 10, 2008

Reply to Office communication of July 3, 2008

On the telephone interview of 7/07/2008, examiner Mr. Jason M. Sims told the applicant the Office communication of 7/03/2008 may be ignored; please send an Office communication to confirm the disapproval may be ignored to the applicant.

Enclosed the Available Documents of the Image File Wrapper of this application issued by USPTO indicated that the applicant filed the amendment to the specification of this application on 4/17/2008 12:36:32 PM, a total of 29 sheets, wherein based on the amended claims filed on 4/10/2008 1:10:38 PM, the paragraphs [0012], [0031]-[0042] and [0048] of the specification have been amended under 37 CFR 1.121, which results in the amended specification can fully support the amended claims. The amended specification filed on 4/17/2008, a total of 26 sheets, is again faxed to examiner Mr. Jason M. Sims, Technical Center 1600 via the Central PTO Fax Center (571-273-8300) on 7/10/2008.

Enclosed the Available Documents of the Image File Wrapper of this application issued by USPTO indicated that based on the Notice of Allowance of 4/16/2008, the applicant filed the amendment to the claims of this application on 4/21/2008, 9:20:25 AM, a total of 30 sheets, wherein the previously

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Dated July 10, 2008

JUL 10 2008
Reply to Office communication of July 3, 2008

presented claims 1-8 and 10 filed on 4/10/2008 1:10:38 PM remain in this application and the claim 9 filed on 4/10/2008 1:10:38 PM has been little amended under 37 CFR 1.121.

Enclosed the Bibliographic Data of the Application Data of this application issued by USPTO indicates the Status of this application is Awaiting TC Resp, Issue Fee Payment Verified. The enclosed PART B - FEE(S) TRANSMITTAL indicates the Issue and Publication fees of the application, a total amount of \$1,020, have been paid to Commissioner of Patents, USPTO on 4/24/2008.

The currently presented claims 1-10 filed on 4/21/2008 and the currently presented specification filed on 4/17/2008 are to comply with the requirement of 37 CFR 1.121; please consider to approve the US patent application, and then the proceedings of this application are not awaiting and can be completed.

Since Australian national phase entry dated 8/23/2006, a grant of patent rights for this invention has been issued by Australian patent office on 3/14/2008. Please consider the US patent application has been over 4 years since filed 3/27/2004 and based on the Office Action Summary of

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Reply to Office communication of July 3, 2008

2/27/2007, the prosecution on the merits is closed in this application on 2/20/2007 in accordance with the practice under *EX parte Quayle*, 1935 C.D. 11, 453 O.G.213. I appreciate it if a grant of patent rights is issued in this case soon.

Sincerely,

Xingfu Wang
King F. Wang, Ph.D.
Applicant
TEL: (774) 239-3884
Fax: (508) 831-0592

Encl.: 6 sheets,
Office communication on 7/3/2008 (3 sheets),
Available Document of Image File Wrapper (1 sheet),
Bibliographic Data (1 sheet),
Part B - Fee(S) Transmittal (1 sheet).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,296	03/27/2004	Xing Fa Wang	XLH8FW	1034
35673	7590	07/03/2008		
XING FA WANG			EXAMINER	
16 PALM STREET			SIMS, JASON M	
WORCESTER, MA 01604-3844			ART UNIT	PAPER NUMBER
			1631	
			MAIL DATE	DELIVERY MODE
			07/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/810,296	WANG, XING FA
	Examiner	Art Unit
	JASON M. SIMS	1631

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

1. The amendment filed on 17 April 2008 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

See Continuation Sheet

/Michael Borin, Ph.D./
Primary Examiner, Art Unit 1631

Continuation Sheet (PTOL-271)

Application No. 10/810,296

The amendment to the claims filed on 4/17/2008 does not comply with the requirements of 37 CFR 1.121(c) because the amendment contains improper claim text markings, see below. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn-currently amended."

(3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) When claim text shall not be presented; canceling a claim.

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marjorie Moran can be reached via telephone (571)-272-0720.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

// Jason Sims // .

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United States Patent & Trademark Office

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